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EXAMINER				
COLIN, CARL G				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/699,520

Applicant(s)

HERBACH ET AL.

Examiner

CARL COLIN

Art Unit

2433

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6-10,12-18,20,22,24-33,35,37-41 and 47-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,6-10,12-18,20,22,24-33,35,37-41 and 47-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/17/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/17/2009 has been entered.

Response to Arguments

2. In response to communications filed on 2/17/2009, applicant amends claims 2, 8, 9, 15, 16, 20, 24, 28, 31, 35, 37, 39, 47-48, 51, 53-54, and 56; cancels claims 19 and 34, the following claims 2, 3, 6-10, 12-18, 20, 22, 24-33, 35, 37-41, and 47-56 are presented for examination.

2.1 Applicant's arguments, filed on 2/17/2009, with respect to the art rejection of the claims have been fully considered, but they are not persuasive.

Applicant argues

"For example, claims 8, 48, and 53 have been amended to clarify that the level of granularity is smaller than the distributed electronic document within the distributed document (e.g., controlling access to specific page(s), paragraph(s) and/or word(s) in the document).² The cited portion of McGee³ describes limiting execution privileges based on time of day, device, user or resources to be accessed on a computer, but fails to teach or suggest access permissions at a level of granularity smaller than a distributed electronic document within the distributed document."

Examiner respectfully disagrees as McGee discloses read/write controls (see column 6, lines 59-67) as reproduced below:

"For example, a calling application may only be allowed to execute at certain times of day, on certain hardware devices or CPUs, be restricted to running on behalf of specified users or userids, or be constrained to specified privileges or classes thereof such as read/write controls on various file structures or directories or any other additional capabilities or constraints by using constraint data beyond the mere allowance of executability."

Applicant argues

"As is clear from the above passage, the Official Notice does not include "transparently", as recited in the claims. Moreover, the conclusion drawn by the Office does not follow from the Official Notice taken since the upgrade process noted by the Office necessarily involves obtaining user permission before performing the noted actions, and thus actually teaches away from the claimed subject matter of "forcing use comprises transparently closing the distributed document and opening the second document."6 Similar reasoning applies to independent claim 31. Thus, the rejection of claims 16 and 31 should be withdrawn for at least this reason. Moreover, each of claims 16 and 31 should be in condition for allowance, and their dependent claims should be allowable for similar reasons and the additional recitations they contain. For example, dependent claims 20 and 35 recite, "transparently overwriting the distributed document with the second document." The cited portions of McGee7 say nothing about overwriting, as claimed."

Examiner respectfully disagrees as the official notice does not mention asking for user permissions. As interpreted by Examiner closing the application automatically without the user performing the closing meets the recitation of transparently. Therefore, the word transparently was taken into consideration by Examiner.

McGee discloses (see column 12, lines 45-56 below)

"For example, the program attempting to execute is upgraded by automatically downloading a new version. The system stores

data representing an updated version of the program designated for execution, such as a stored hash of the upgrade, and also stores data indicating that an upgrade for the program designated for execution is available, such as upgrade identification data. Execution of the new version is allowed based on a comparison of the stored hash of the upgrade which appears in the application upgrade installation list, to a computed hash of the upgraded version of software without requiring explicit user approval of the upgraded version."

Therefore, McGee discloses new version replacing/overwriting an old version automatically meaning transparently.

Applicant has not overcome the rejection. Upon further consideration, the rejection of the claims is set forth below.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 2/17/2009 is being considered by the examiner and initialed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 47 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 47 recites the limitation "the method of claim 21". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-3, 6-8, 12-15, 24-27 and 30, 39-41, 47-53, and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,694,434 to **McGee et al.**

As per claim 2, McGee et al substantially discloses a method comprising: *receiving a request from a client, at a server comprising a computer system including a hardware processor, the request from a client to take the action with respect to the distributed electronic document* (see column 5, lines 13-40 and column 7, lines 63-67; see also column 10, line 65 through

column 11, line 2), *identifying at the server, in response to the request, information* (such as registration data but not limited to) *associated with the distributed electronic document retained locally at the client* (see column 12, lines 29-42 and (see column 5, lines 13-40 and column 9, lines 50-57), *the associated information comprising user-dependent information indicating a second electronic document (a new version) different from the distributed electronic document* (see column 12, lines 29-63; column 12, line 64 through column 13, line 37);

McGee et al also discloses receiving a request to take an action with respect to a distributed electronic document, identifying, in response to the request, information (such as registration data but not limited to) associated with the distributed electronic document (see column 6, lines 19-67), the associated information comprising user-dependent information and indicating a second electronic document (a new version) different from the distributed electronic document (see column 6, lines 19-67);

McGee et al also discloses *and imparting information concerning the second electronic document to force the action to be taken with respect to the second electronic document* (new version) (see column 12, lines 29-63); *wherein imparting the second document information comprises relating the second document information from the server to the client* (see column 12, lines 45-63). **McGee et al** discloses the limitation of *the second electronic document indicated by the user-dependent association information being dependent on an identified user at the client* (see column 5, lines 48-55 disclosing the calling application data includes location of the exec file associated with the calling application; which may correspond to a different version (second document) in col.6, lines 34-36) (see also column 6, lines 59-67 disclosing calling application is based on specific users or userids; column 7, lines 46-47 disclosing application

verification data such as hash value (column 6, lines 51-56), which also comprises exec file corresponding to the application based also on userid. See also column 13, lines 4-5 disclosing the program on the host list includes a user identifier attached to the hash value.

As per claim 3, McGee et al discloses the limitation of wherein relating the second document information comprises sending the second document information to the client to allow the client to obtain the second document (see column 12, lines 45-63).

As per claim 6, McGee et al discloses the limitation of wherein relating the second document information comprises: obtaining the second electronic document and sending the second electronic document to the client (see column 12, lines 45-63).

As per claim 7, McGee et al discloses the limitation of wherein the second electronic document comprises a later version of the distributed electronic document (see column 12, lines 31-39), and the associated information comprises document-permissions information specifying that the action is not permitted with respect to the distributed electronic document at the client (see column 11, lines 36-57).

As per claim 8, McGee et al discloses the limitation of wherein the document-permissions information specifies access permissions at a level of granularity smaller than the distributed electronic document within the distributed document (see column 6, lines 59-67 McGee discloses read/write controls on various files structures).

As per claim 12, McGee et al discloses the limitation of wherein the distributed electronic document comprises a software program, the second electronic document comprises a later version of the software program, and the action comprises running the software program (see column 12, lines 45-63 and column 6, lines 59-67).

As per claim 13, McGee et al discloses the limitation of accessing the distributed electronic document at the client (see column 11, lines 7-14); identifying an address of the server and a document identifier in the distributed electronic document (see column 12, lines 57-67); sending the document identifier and the requested action to the server using the address (see column 12, lines 57-67 disclosing identification data is sent using the location information) and replacing the distributed document, at the client, with the second document (see column 12, lines 45-63 and column 2, lines 35-41 disclosing it is implicit that upgrading may include replacing).

As per claim 14, McGee et al discloses running the new version that meets the recitation of wherein replacing the distributed document comprises performing the action with respect to the second document (see column 12, lines 45-63 and column 2, lines 35-41).

As per claim 15, McGee et al discloses the limitation of wherein the second document includes the address of the server and a second document identifier, (see column 12, lines 57-67) and replacing the distributed document further comprises automatically and without user awareness writing over the distributed document with the second document in a storage device

(see column 12, lines 45-63 and column 2, lines 35-41 disclosing it is implicit that upgrading may include replacing or overwriting). **McGee et al** discloses new version replacing/overwriting an old version automatically without user approval (see column 12, lines 45-56).

As per claim 24, McGee et al discloses a software product tangibly embodied in a machine-readable medium, the software product comprising instructions operable to cause one or more data processing apparatus to perform operations comprising: *receiving a request from a client at a server to take an action with respect to a distributed electronic document retained locally at the client* (see column 5, lines 13-40 and column 7, lines 63-67; see also column 10, line 65 through column 11, line 2), *identifying at the server, in response to the request, information* (such as registration data but not limited to) *associated with the distributed electronic document retained locally at the client* (see column 12, lines 29-42 and (see column 5, lines 13-40 and column 9, lines 50-57), *the associated information comprising user-dependent information indicating a second electronic document (a new version) different from the distributed electronic document* (see column 12, lines 29-63; column 12, line 64 through column 13, line 37);

McGee et al also discloses receiving a request to take an action with respect to a distributed electronic document, identifying, in response to the request, information (such as registration data but not limited to) associated with the distributed electronic document (see column 6, lines 19-67), the associated information comprising user-dependent information and indicating a second electronic document (a new version) different from the distributed electronic document (see column 6, lines 19-67);

McGee et al also discloses *and imparting information concerning the second electronic document to force the action to be taken with respect to the second electronic document* (new version) (see column 12, lines 29-63); *wherein imparting the second document information comprises relating the second document information from the server to the client* (see column 12, lines 45-63). **McGee et al** discloses the limitation of *the second electronic document indicated by the user-dependent association information being dependent on an identified user at the client* (see column 5, lines 48-55 disclosing the calling application data includes location of the exec file associated with the calling application; which may correspond to a different version (second document) in col.6, lines 34-36) (see also column 6, lines 59-67 disclosing calling application is based on specific users or userids; column 7, lines 46-47 disclosing application verification data such as hash value (column 6, lines 51-56), which also comprises exec file corresponding to the application based also on userid. See also column 13, lines 4-5 disclosing the program on the hash list includes a user identifier attached to the hash value.

As per claim 25, McGee et al discloses the limitation of wherein relating the second document information comprises sending the second document information to the client to allow the client to obtain the second document (see column 12, lines 45-63).

As per claim 26, McGee et al discloses the limitation of wherein relating the second document information comprises: obtaining the second electronic document; and sending the second electronic document to the client (see column 12, line 64 through column 13, line 37).

As per claims 27 and 30, these claims recite similar limitations to claims 7 and 12 respectively except for incorporating the claimed method into a software product, and therefore they are rejected on the same rationale as the rejection of claims 7, 9, 10, and 12 above.

As per claim 39, McGee et al discloses a system comprising: *a client comprising a computer including a hardware processor operable to send a request when an action is to be taken with respect to a distributed electronic document local to the client* (see column 11, lines 7-14 and lines 37-45); (see column 5, lines 13-40 and column 7, lines 63-67; see also column 10, line 65 through column 11, line 2),

a server comprising a computer system including a hardware processor operable to receive the request, and in response to the client, the server being operable to identify information associated with the distributed electronic document, (see column 12, lines 29-42), *the associated information comprising user-dependent information and indicating a second electronic document (a new version) different from and associated with the distributed electronic document* (see column 12, lines 29-63; column 12, line 64 through column 13, line 37); (see also column 6, lines 19-67), *the server being operable to relate information concerning the second electronic document to the client to force the action to be taken* (see column 12, line 64 through column 13, line 37 and column 12, lines 45-63).

McGee et al discloses the limitation of *the second electronic document indicated by the user-dependent association information being dependent on an identified user at the client* (see column 5, lines 48-55 disclosing the calling application data includes location of the exec file associated with the calling application; which may correspond to a different version (second

document) in col.6, lines 34-36) (see also column 6, lines 59-67 disclosing calling application is based on specific users or userids; column 7, lines 46-47 disclosing application verification data such as hash value (column 6, lines 51-56), which also comprises exec file corresponding to the application based also on userid. See also column 13, lines 4-5 disclosing the program on the hast list includes a user identifier attached to the hash value.

As per claim 40, McGee et al discloses the limitation of wherein the server comprises: a server core with configuration and logging components (see column 4, lines 14-34); an internal services component that provides functionality across dynamically loaded methods and dynamically loaded external service providers, including one or more access control service providers (see column 4, lines 14-34).

As per claim 41, McGee et al discloses as interpreted by the Examiner **McGee et al** discloses a central distribution server associated with different servers that meets the recitation of a business logic tier comprising a cluster of document control servers, including the server (see column 4, lines 14-34 and column 10, lines 61-67); an application tier including the client comprising a viewer client (user interface) (see column 12, lines 19-25), a securing client (see fig. 1), and an administration client (see fig. 1); and a load balancer that routes client requests to the document control servers (see column 13, lines 20-29).

As per claim 47, McGee et al discloses the limitation of wherein the document-permissions information specifies access permissions at a level of granularity smaller than the

distributed electronic document within the distributed document (see column 6, lines 59-67
McGee discloses read/write controls on various files structures).

As per claim 48, McGee et al discloses the limitation of wherein the document-
permissions information specifies access permissions at a level of granularity smaller than the
distributed electronic document within the distributed document (see column 6, lines 59-67
McGee discloses read/write controls on various files structures).

As per claim 49, McGee et al discloses the limitation of accessing the distributed
electronic document at the client (see column 11, lines 7-14); identifying an address of the server
and a document identifier in the distributed electronic document (see column 12, lines 57-67);
sending the document identifier and the requested action to the server using the address (see
column 12, lines 57-67 disclosing identification data is sent using the location information)' and
replacing the distributed document, at the client, with the second document (see column 12, lines
45-63 and column 2, lines 35-41 disclosing it is implicit that upgrading may include replacing).

As per claim 50, McGee et al discloses the limitation of wherein replacing the
distributed document comprises performing the action with respect to the second document (see
column 12, lines 45-63 and column 2, lines 35-41).

As per claim 51, McGee et al discloses the limitation of wherein the second document
includes the address of the server and a second document identifier, (see column 12, lines 57-67)

and replacing the distributed document further comprises automatically and without user awareness writing over the distributed document with the second document in a storage device (see column 12, lines 45-63 and column 2, lines 35-41 disclosing it is implicit that upgrading may include replacing or overwriting). **McGee et al** discloses new version replacing/overwriting an old version automatically without user approval (see column 12, lines 45-56).

As per claim 52, McGee et al discloses the limitation of wherein the second electronic document comprises a later version of the distributed electronic document (see column 12, lines 31-39), and the associated information comprises document-permissions information specifying that the action is not permitted with respect to the distributed electronic document at the client (see column 11, lines 36-57).

As per claim 53, McGee et al discloses the limitation of wherein the document-permissions information specifies access permissions at a level of granularity smaller than the distributed electronic document (see column 6, lines 59-67).

As per claim 56, McGee et al discloses the limitation of wherein the client is operable to identify an address of the server and a document identifier in the distributed electronic document (see column 6, lines 59-67 and lines 39-50); send the document identifier and the requested action to the server using the address (see column 6, lines 59-67 and lines 39-50); and replace the distributed document, at the client by writing over the distributed document with the second document in a storage device (see column 12, lines 45-63 and column 2, lines 35-41).

disclosing it is implicit that upgrading may include replacing or overwriting). **McGee et al** discloses new version replacing/overwriting an old version automatically without user approval (see column 12, lines 45-56).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-18, 20, 22, 31-33, 35, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,694,434 to **McGee et al**

As per claim 16, McGee et al discloses a method comprising opening a locally retained distributed document (see column 11, lines 7-13); contacting a document control server identified from the distributed document (see column 12, lines 57-67 and column 12, lines 45-63); transmitting authentication information to the document control server (see column 6, lines 51 through column 7, line 14) and forcing use at the client of a second document in place of the distributed document, with respect to at least one document action, based on information received from the document control server (see column 12, line 64 through column 13, line 37). **McGee et al** discloses wherein the second electronic document comprises a later version of the

distributed document and forcing use of the second document (see column 12, line 64 through column 13, line 37).

McGee et al does not explicitly disclose transparently closing the distributed document and opening the second document. Examiner takes official notice that in Windows application to perform an upgrade, the old version of the application is closed, upgraded, then the new version is subsequently opened automatically. This feature is very well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transparently closing the distributed document and opening the second document because it would allow files to be replaced or overwritten and not corrupted on the old version by closing it as known in the art.

As per claim 17, McGee et al discloses the limitation of obtaining the second document based on the received information (see column 12, line 64 through column 13, line 37).

As per claim 18, McGee et al discloses the limitation of wherein the received information comprises the second document (see column 12, line 64 through column 13, line 37 and column 12, lines 45-63).

As per claim 20, McGee et al discloses the limitation of wherein forcing use further comprises transparently overwriting the distributed document with the second document (see column 12, lines 45-63 and column 2, lines 35-41 disclosing it is implicit that upgrading may include replacing or overwriting).

As per claim 22, McGee et al discloses the limitation of wherein the distributed electronic document comprises a software program, the second electronic document comprises a later version of the software program, and the at least one document action comprises running the software program (see column 12, line 64 through column 13, line 37 and column 12, lines 45-63).

As per claims 31-33, 35, and 37-38, these claims recite similar limitations to claims 16-18, 20, 8, and 22, respectively, except for incorporating the claimed method into a software product, and therefore they are rejected on the same rationale as the rejection of claims 16-20, 8, and 22 above.

7. **Claims 9, 10, 28, 29, 54 and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,694,434 to **McGee et al** in view of US Patent Publication US 2002/0078081 to **Bierbrauer et al**.

As per claims 9, 28, and 54, McGee et al discloses identifying document as having a new version which meets the recitation of outdated (see column 12, lines 36-39) but does not explicitly disclose the distributed document being a stub document. However, **Bierbrauer et al** in an analogous art discloses a stub document containing the information required to retrieve another document (see paragraphs 14, 17, and 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a stub document as a distributed document so that less resource is consumed as suggested by **Bierbrauer et al.**

As per claim 10, McGee et al and Bierbrauer et al disclose the limitation of wherein obtaining the second electronic document further comprises generating at least a portion of the second electronic document based on the identified user (see column 6, lines 59-67 and lines 39-50).

As per claims 29 and 55, McGee et al discloses the limitation of wherein obtaining the second electronic document further comprises generating at least a portion of the second electronic document based on the identified user (see column 6, lines 59-67 and lines 39-50).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See form 892).

8.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL COLIN whose telephone number is (571)272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for

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the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Colin/

Primary Examiner, Art Unit 2433

April 26, 2009